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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Letter dated 29 February 1996 from the Permanent Representative of Cuba to the United Nations addressed to the President of the General Assembly

On behalf of His Excellency Mr. Roberto Robaina González, Minister for Foreign Affairs of the Republic of Cuba, I have the honour to request the resumption, as soon as possible, of the fiftieth session of the General Assembly, for one meeting, for the purpose of considering agenda item 140, entitled "United Nations Decade of International Law".

The Minister for Foreign Affairs has expressed his interest in addressing the plenary of the General Assembly on that item. Accordingly, I also have the honour to request that discussion of the item be reopened.

I should be grateful if you would bring this letter and its annex to the attention of the General Assembly in order that it may take the necessary decision.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative
of Cuba

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ANNEX

Memorandum

By its resolution 44/23 of 17 November 1989, the General Assembly declared the period of 1990-1999 as the United Nations Decade of International Law.

On 28 November 1990, the General Assembly adopted resolution 45/40, by which it adopted the programme for the activities to be commenced during the first term (1990-1992) of the Decade.

As of that date, in successive annual resolutions, including resolutions 49/50 and 50/44, of the forty-ninth and fiftieth sessions respectively, the General Assembly has invited all States to report on the activities carried out within this context and has requested the Secretary-General to report on the progressive development of international law and its codification.

Accordingly, the Republic of Cuba wishes to bring to the attention of the General Assembly, and through it of the Secretary-General, a situation which undermines respect for the basic norms of international law and compliance with one of the most important principles of international law - the principle of the sovereignty of States, including their full and exclusive sovereignty over their land territory, territorial waters and airspace.

On countless occasions over a period of more than 37 years, Cuba's sovereignty and territorial integrity have been irresponsibly violated through acts of flagrant and perfidious air piracy. In the past 20 months alone, 25 violations of Cuban airspace by aircraft coming from the territory of the United States have taken place. Moreover, the history of the violations to which Cuba has been subjected includes countless examples of the improper use of civilian ships and aircraft to perpetrate acts of terrorism against the country.

Recently, on 24 February 1996, allegedly civilian aircraft coming from the territory of the United States violated Cuba's airspace.

Once again, the United States manipulated the irrefutable truth of the facts and, overstepping the attributes of its status as a permanent member of the Security Council, with the assistance on this occasion of its coincidental position as President of that organ, dictated consideration of its extremely free version of the facts and forced through, by all means within its power, the adoption of a presidential declaration by the Council which judged and condemned in terms of its own choosing the Government of the Republic of Cuba.

But what is equally or even more serious, in the light of international law and the most elementary practices of the law of treaties, is the grotesque manipulation to which have been subjected in this instance two recurring sources of international aeronautical law, the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, and its Montreal Protocol of 10 May 1984.

The United States has set itself up as an international judge, invoking its own fanciful interpretation of the relevant provisions of those international treaties, the articles of which possess, all in equal measure, the same importance and legally binding force for those States which, in the first place, through the act of constitutional ratification, transformed those treaties into sources of their domestic legislation and into international obligations, apart from the ethical aspect of their application at the international level.

The Security Council claims the authority to reactivate discussion of issues which might potentially constitute a threat to international peace and security.

Cuba considers that, when faced with a case of manipulation and unilateral interpretation by a State Member of this Organization of one of the pillars of international legal doctrine, namely the principle of the sovereignty of States, the General Assembly, too, has absolute authority, in its capacity as the universally representative legislative body of the Organization, to decide to reopen discussion of one of the items on its agenda.

In the present instance, Cuba is requesting reopening of the item entitled "United Nations Decade of International Law", in particular the consideration of respect for international law and its progressive development and codification, which today are under threat from unilateral interpretations by a super-Power which is seeking to impose its bilateral policy interest not only on the political action of the Organization but also on the legal thinking of the sovereign States Members of the international community.